

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH DE COSTER, *et al.*, on behalf of
themselves and all other similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

No. 2:21-cv-00693-JHC

**STIPULATED MOTION AND
[PROPOSED] ORDER
REGARDING UNSEALING
PORTIONS OF CLASS
CERTIFICATION MATERIALS**

NOTE ON MOTION CALENDAR:
APRIL 15, 2025

Pursuant to Local Civil Rules 7(d)(1) and 10(g), the parties in the above-captioned action, by and through their respective undersigned counsel, agree as follows, subject to the Court's approval:

WHEREAS, on July 31, 2024, the Court granted the parties' motion stipulating and agreeing to a procedure for filing and sealing in connection with the class certification briefing in the above-captioned action, Dkt. 171;

WHEREAS, the Court has since granted motions and stipulations extending the class certification briefing deadlines in the above-captioned action, Dkts. 257, 269;

WHEREAS, pursuant to the agreed-upon procedure and Local Civil Rule 5(h), the parties agreed to a schedule upon which to meet and confer and, as appropriate, file (1) public versions of their class certification papers, with necessary redactions, and (2) corresponding motion(s) to seal pursuant to LCR 5(g)(3);

1 WHEREAS, pursuant to the Stipulated Motion and Order Re Sealing of Class
2 Certification Briefing, Dkt. 288, the Parties shall have 28 days after the filing of Plaintiffs' Reply
3 in Support of Motion to Certify Class to (1) file public versions of the parties' Class Certification
4 Papers, with necessary redactions, and (2) file corresponding motion(s) to seal pursuant to LCR
5 5(g)(3);

6 WHEREAS, Plaintiffs filed their Reply in Support of Class Certification on March 26,
7 2025, Dkt. 306, which sets April 23, 2025, as the date for Parties to file public versions of their
8 class certification papers, with necessary redactions, and corresponding motion(s) to seal
9 pursuant to LCR 5(g)(3);

10 WHEREAS, § 5.5 of the Amended Stipulated Protective Order, Dkt. 169, requires a
11 motion to seal to be noted for consideration no earlier than the fourth Friday after filing where a
12 Designating Party must make the showing under LCR 5(g)(3)(B), and the Local Rules have since
13 been modified to provide for 28-day motions instead;

14 WHEREAS, LCR 5(g)(3)(B) requires a party to file a motion to seal confidential
15 information to demonstrate: (1) "the legitimate private or public interests that warrant the relief
16 sought;" (2) "the injury that will result if the relief sought is not granted;" and (3) "why a less
17 restrictive alternative to the relief sought is not sufficient;"

18 WHEREAS the exhibits supporting the class certification motions in this matter contain
19 (1) highly sensitive and confidential business documents of Amazon, including discussions and
20 communications regarding proprietary business metrics at the core of Amazon's business, and
21 internal strategic and business planning documents analyzing sensitive business data, the public
22 disclosure of which would pose a significant risk of harm to Amazon; (2) confidential and
23 sensitive information of Plaintiffs; and (3) highly sensitive and confidential information of Non-
24 Parties, including strategic and business planning documents and business data.

25 WHEREAS the length of the supporting expert reports and other materials cited, and the
26 extent to which the expert reports and other materials cited rely on sensitive and confidential
27 information would require extensive and time-consuming redactions;

1 THEREFORE, the parties stipulate and agree (subject to the Court's approval) as
 2 follows:

- 3 1. The Parties shall prepare public, redacted versions of (a) Plaintiffs' briefs
 4 supporting certification of a class, Dkt. Nos. 180, 306, ("Plaintiffs' Class
 5 Certification Papers"), and (b) Amazon's brief opposing certification of a class,
 6 Dkt. No. 232 ("Amazon's Class Certification Papers"); however, any exhibits to
 7 those briefs, including expert reports, shall continue to remain under seal.
- 8 2. Defendant Amazon.com, Inc. ("Amazon") shall propose sealing recommendations
 9 for (a) all Amazon sensitive information and/or information designated by
 10 Amazon under the Amended Stipulated Protective Order, Dkt. 169, contained in
 11 both Plaintiffs' Class Certification Papers and Amazon's Class Certification
 12 Papers; and (b) all sensitive information and/or information designated by or
 13 pertaining to Non-Parties under the Amended Stipulated Protective Order
 14 contained in Amazon's Class Certification Papers, after meeting and conferring
 15 with the Non-Parties regarding the need to file such sensitive or designated
 16 material under seal.
- 17 3. Plaintiffs shall propose sealing recommendations for (a) all sensitive information
 18 and/or information designated by or pertaining to Non-Parties under the Amended
 19 Stipulated Protective Order, Dkt. 169, contained in Plaintiffs' Class Certification
 20 Papers, after meeting and conferring with the Non-Parties regarding the need to
 21 file such sensitive or designated material under seal; and (b) all sensitive
 22 information and/or information designated by or pertaining to Plaintiffs under the
 23 Amended Stipulated Protective Order contained in Amazon's Class Certification
 24 Papers and Plaintiffs' Class Certification Papers.
- 25 4. The Non-Parties may make their showing as required by LCR 5(g)(3)B) in a
 26 declaration filed with the Parties' motions to seal on April 23, 2025. Otherwise,
 27 the deadline for Non-Parties to file a showing required by LCR 5(g)(3)(B) in

1 response to any motion to seal filed by a party shall be May 14, 2025, which is 21
2 days after due date for the Parties' motion to seal. The calculation of this
3 response date is based on revised Local Civil Rule 7(d).

4 IT IS SO STIPULATED.

5 DATED April 15, 2025.

Respectfully submitted,

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*Interim Executive Committee for Plaintiffs and the
proposed Class*

[PROPOSED] ORDER

Pursuant to the Parties' above stipulation,

- The Parties shall file public, redacted versions of their class certification papers by **April 23, 2025**.
- The deadline for Non-Parties to file a showing required by LCR 5(g)(3)(B) in response to any motion to seal filed by a party shall be **May 14, 2025**.

IT IS SO ORDERED.

Dated this ____ day of April, 2025.

The Honorable John H. Chun
UNITED STATES DISTRICT JUDGE